

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

District Selection Committee 1989 - Appointment of Special Teachers - Allowing regular scales to Sri.M.V.Nageswara Rao, Smt J.Samrajyam and K.Malakondarayudu, who had been appointed as Spl.Teachers on consolidated pay 398/- p.m. in pursuance of the court orders – Orders Issued

SCHOOL EDUCATION (SER-II) DEPARTMENT

G.O.RT.No. 245

Date : 21.10.2014

Read the following:

- Ref : 1) From the C & DSE, AP, Hyderabad, Lr.Rc.No.2454/D1-4/2007, dt : 03.10.2008
2) Memo.No.18058/PE-Ser.I/2008, dated. 26.10.2009
3) Orders of the Hon'ble APAT, Hyderabad in O.A.No.1124/2010 dt.10.12.2012
4) From the C & DSE, AP, Hyderabad, Lr.Rc.No.2454/D1-4/2002, dt : 02.03.2013, 24.12.2013 & 28.05.2014

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ORDER :

In the reference 1st read above, the Commissioner & Director of School Education, A.P., Hyderabad have stated that, (912) SGT posts were created State-wide in G.O.Ms.No.156, Edn., dt.8.7.1996 and these posts were filled through DSC-89 State-wide and they were appointed as Special Teachers @ Rs.398/- p.m. in all the Districts in the State, (53) Teachers were also appointed as Special Teachers in Prakasam District under DSC-89.

2. The Commissioner & Director of School Education, AP., Hyderabad has further stated that (681) Spl. Teachers who were appointed prior to 11.1.2002 and Govt., had issued orders for allowing regular time scale, whereas these 3 teachers i.e., Sri.M.V.Nageswara Rao, Smt.J.Samrajyam and K.Malakondarayudu were appointed on 19.11.2003 i.e, after the cut-off date. In Govt., Memo. No.13040/Ser. VII/2004-3, dt. 4.6.2005, Govt., have issued instructions to the C & Director of School Education, AP., Hyderabad to watch the work of said 3 teachers for a period of (3) years and then send the proposal if their performance is satisfactory for taking a decision on their request.

3. The Commissioner & Director of School Education, A.P., Hyderabad has further stated that among these (3) teachers, one teacher viz., Sri M.V.Nageshwara Rao has filed O.A.No.2642/2007 before the Hon'ble APAT for allowing regular time scale to the individual. Accordingly, the Hon'ble APAT has made the following judgment in its interim orders dt. 14.5.2007 in O.A.2642/2007.

"to consider and pass appropriate orders on the representation of the applicant, dated.01.12.2006 in the light of the recommendation of the MEO, dated.08.01.2007 and in accordance with rules."

4. The proposal of the Commissioner & Director of School Education, AP., Hyderabad was examined keeping in view the interim orders dt. 14.5.2007 in O.A.2642/2007 filed by Sri. M. V.Nageswara Rao, Spl teacher and it was rejected, as they were not similarly placed as the candidates covered by G.O.Rt.No.1149, dated. 01.11.2003. The Commissioner and Director of School Education, A.P., Hyderabad has been requested to take action accordingly, vide Govt., Memo.No.18058/PE-Ser.I/2008, dated: 26.10.2009.

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Aggrieved to the above Memo., Sri N.V.Nageswara Rao has filed O.A.No.1124/2010. The Hon'ble Tribunal has made the final orders dt.10.12.2012 is as follows:-

".....It is seen that the applicant was selected as Special teacher based on 1989 DSC recruitment selections. But the applicant like other 50 candidates, got appointment through litigation in W.P.No.10586/99 and batch and W.P.No.15929/96. A batch of 50 Special teachers from Prakasam district were appointed on 05-11-2001, based on the orders of the High Court in W.P.No.10586/99 and batch, where as the applicant was appointed only on 17-11-2003. The delay in appointment of the applicant was purely at the instance of the respondents, for which the applicant is not responsible. The other 50 Special teachers did Adhoc service of 5 years as they were continuing based on the High Court order. In the case of the applicant, since the appointment order was delayed, he could not meet the condition of 5years Adhoc service as per G.O.Rt.No.1149, Dated 01-11-2003. Apparently, the fault was not on the part of the applicant.

In the facts and circumstances, of the case and in view of the judgment of the High Court in W.P.No.15929/96, dated 04-01-2001, the Tribunal is of the view that the applicant has to be extended the time scale and other benefits on par with the other 50 Special teachers from Prakasam district who were given the benefit of G.O.Rt.No.1149, dated 01-11-2003.

Accordingly, the O.A., is allowed by setting aside the impugned Memo No.18058.PE.Ser.I/2008, dated 26-10-2009 issued by the 1st respondent. The respondents are directed to extend all the benefits to the applicant on par with the teachers belonging to Prakasam district who are covered by G.O.Rt.No.1149, Education (Ser.VI) Department, dated 01.11.2003. No costs."

5. The Commissioner & Director of School Education, A.P., Hyderabad in the reference 4th read above, has reported that, the candidates J.Samrajyam, M.V.Nageswara Rao and K.Malakondarayudu were appointed as Special Teachers as per orders issued by the Govt., Memo.2056/Ser-VI-4/2003, dt : 13.03.2003 are more meritorious than than the candidates ie., D.Nayomi and K.Ananda Rama Rao were appointed on 11.06.2004. The above three teachers are still working with remuneration of Rs.398 per month only where as the candidates ie., D.Nayomi and K.Ananda Rama Rao who were appointed after 1 Year from the date of appointment of the above 3 teachers are allowed to draw regular time scale with effect from 11.6.2011 as per the orders Government issued in G.O.Rt.No.489, Education, dt.14.06.2011.

6. The Commissioner & Director of School Education, A.P., Hyderabad has further stated that, Sri M.V.Nageshwara Rao, Special Teacher has filed **C.A.No.759/2013 in O.A.No.1124/2010** before the Hon'ble APAT, Hyderabad for compliance the orders dt : 10.12.2012 of the Hon'ble APAT and requested to issue suitable orders in the matter at an early date to avoid further legal complications.

7. After careful examination of the proposal, Government hereby accord permission to the Commissioner & Director of School Education, AP, Hyderabad for allowing regular scales to Sri.M.V.Nageswara Rao, Smt.J.Samrajyam and K.Malakondarayudu, who had been appointed as Spl.Teachers on consolidated pay 398/- p.m. and till now drawing the same and not allowed time scale, on par with similarly situated persons and juniors, who were appointed much later as Spl.Teachers than the applicants and getting regular time scale as per the G.O.Ms.No.489, Education Department, dt.14.06.2011.

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8. This order issues with the concurrence of Fin (EBS.IV.SE.HE) Dept.,
vide U.O.No.25/EBS.IV.SE.HE/2014, dt : 12.08.2014

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADHAR SINHA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

The Commissioner & Director of School Education, AP, Hyderabad

Copy to:

The Government Pleader for Services, APAT, Hyderabad

The District Educational Officer, Prakasam at Ongole

SF/SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER